



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

**HB 18-1078**

**REVISED  
FISCAL NOTE**

(replaces fiscal note dated February 9, 2018)

|                         |                                     |                        |   |
|-------------------------|-------------------------------------|------------------------|---|
| <b>Drafting Number:</b> | LLS 18-0041                         | <b>Date:</b>           | March 14, 2018  |
| <b>Prime Sponsors:</b>  | Rep. Landgraf; Exum<br>Sen. Gardner | <b>Bill Status:</b>    | Senate Judiciary  |
|                         |                                     | <b>Fiscal Analyst:</b> | Chris Creighton   303-866-5834<br>Chris.Creighton@state.co.us |

**Bill Topic:** COURT PROGRAMS FOR VETERANS

|                                      |   |  |
|--------------------------------------|---|--|
| <b>Summary of<br/>Fiscal Impact:</b> | <input checked="" type="checkbox"/> State Revenue                         | <input type="checkbox"/> TABOR Refund                |
|                                      | <input checked="" type="checkbox"/> State Expenditure ( <i>workload</i> ) | <input checked="" type="checkbox"/> Local Government |
|                                      | <input type="checkbox"/> State Transfer                                   | <input type="checkbox"/> Statutory Public Entity     |

This bill requires courts to identify defendants who are veterans or active duty military members and notify them that they may be entitled to certain services. This bill also makes changes regarding the establishment of veteran court program guidelines and eligibility requirements, and requires favorable consideration of record sealing requests from veterans. This bill increases state and local government revenue, expenditures, and workload. These impacts are ongoing.

**Appropriation  
Summary:** No appropriation is required.

**Fiscal Note  
Status:** This revised fiscal note reflects the introduced bill, as amended by the House Judiciary Committee.

**Summary of Legislation**

This bill requires the court to determine if a defendant is a veteran of or actively serving in the U.S. military at the first appearance or upon arraignment, whichever is first. If a defendant is a veteran or active duty member of the military, the court must notify the defendant that he or she may be entitled to receive mental health treatment, substance use treatment, or other veteran services. The court may not accept a guilty plea or plea of no contest without first determining the defendant's veteran or active duty military status and providing the notification required by this bill. The completion of a veteran treatment program must receive favorable consideration by the court when determining whether or not to issue an order to seal a criminal record.

Under current law, the chief judge of a judicial district may establish a program for the treatment of veterans and active duty military members. This bill requires the chief judge to collaborate with the probation department, district attorney, and the State Public Defender to establish agreed upon program guidelines and eligibility requirements when establishing such a program.

## State Revenue

Beginning in FY 2018-19, this bill may increase state revenue from record sealing requests. To have a criminal record sealed, a civil filing fee of \$224 must be paid to the Judicial Department and a record sealing fee of \$27.98 must be paid to the Colorado Bureau of Investigation (CBI). Requiring the court to favorably consider the completion of a veteran treatment program may increase the number of record sealing requests approved each year and the amount of revenue collected from them. However, because this bill only requires favorable consideration of certain record sealing requests and does not change the types of crimes in which such a request may be sought, any increase in revenue is expected to be minimal.

## TABOR Refund

The bill potentially increases fee state revenue subject to TABOR by a minimal amount in FY 2018-19 and FY 2019-20. State revenue is not currently expected to exceed the TABOR limit in either year and no refund is required. Therefore, the bill is not expected to impact TABOR refunds in these years. However, refunds in future years when the state next collects a TABOR surplus will be increased.

## State Expenditures

Beginning in FY 2018-19, this bill increases Judicial Department and Department of Public Safety workload as described below.

**Judicial Department.** This bill increases trial court workload to determine if a defendant is a veteran and to provide the required veteran services notification. Workload may also increase for chief judges and the State Public Defender to collaborate on the development of veteran and active military court program guidelines and eligibility requirements when such programs are being established. This workload increase is assumed to be minimal and can be accomplished within existing appropriations; however, if additional appropriations are required in the future, they will be requested through the annual budget process.

**Department of Public Safety.** To the extent that this bill increases the number of record sealing requests received by the CBI in the Department of Public Safety, workload will increase to process the request. Any workload increase resulting from this bill is expected to be minimal and can be accomplished within existing appropriations.

## Local Government

This bill impacts local governments in several ways beginning in FY 2018-19, as discussed below.

**Municipal courts and programs.** First, the bill increases municipal court workload to identify if a defendant is a veteran or active duty military member. Second, to the extent that a municipality has a court program for the treatment of veterans and active duty military members and this bill increases the use of these services, costs will increase. Third, workload may increase to conduct a pre-sentence report. Fourth, for municipalities that do not have court programs for the treatment of veterans and active duty military members, costs may be increased to create such

a program. These costs would be partially offset by fees established for the participation in the program. These impacts will vary by municipality depending on the number of veterans and active duty military members within its jurisdiction, the number and extent of criminal charges against veterans and active duty military members, and whether or not court programs exist to provide services. These impacts have not been estimated.

**District Attorneys.** Workload also increases for district attorneys to collaborate with the Judicial Department in the development of court veteran and active duty military court program guidelines and eligibility requirements. This impact is assumed to be minimal.

**Denver County Court.** Similar to the state, this bill increases Denver County Court workload to determine if a defendant is a veteran and to provide the required notification.

**Record sealing.** Workload increases for local government criminal record custodians by a minimal amount to seal veteran conviction records.

**Effective Date**

The bill takes effect August 8, 2018, if the General Assembly adjourns on May 9, 2018, as scheduled, and no referendum petition is filed.

**State and Local Government Contacts**

District Attorneys  
Military Affairs

Information Technology  
Municipalities

Judicial  
Public Defender